

REMARKS

Accompanying this filing are a petition for a three-month extension of time; a Request for Continued Examination and an Information Disclosure Statement.

Applicants gratefully acknowledge the indication in the last action that claims 1-8, 11-14, 16-39, 41-42, 45-51 and 76 define patentable subject matter and are allowable. Applicants also acknowledge the indication in the last action that claims 2-6, 1-14, 16-39 and 45-51, formerly subject to a restriction requirement, are properly included in the present application. In view of that indication, applicants have changed the characterization of those claims from "Withdrawn" to "Original" in the listing of the claims above.

Below are detailed remarks addressing each objection/rejection raised in the Office Action dated March 31, 2005. No new matter has been added by the present amendment.

Claim Rejections - 35 U.S.C. § 112

In response to the rejection of claims 15 and 40, both claims have been amended to correct the double inclusion issue and now recite that the fist port/conduit is in communication with the gas vent.

As to the rejections of claims 59 and 70 – no action has been taken as the

claims still appear to be considered to be withdrawn from consideration. The Office Action Summary page indicates "claims 53-59..." are withdrawn from consideration. Claim 70 ultimately depends from withdrawn claim 55. If these claims are no longer considered withdrawn, a positive indication to that effect is requested in the next action or the examiner is invited to contact the undersigned by phone and resolve the issue more quickly.

Claim Rejections based on Obviousness - 35 U.S.C. § 103

In response to the rejection of claims 52, 60 and 63 as obvious in view of Hunkin et al, applicants have amended claim 52. Applicants disagree with the premise that it would be obvious to make the sampling device of Hunkin sterile. The Hunkin device is intended for collecting water samples from wells. The device is lowered into a body of water and valve open to permit entry of water in the device only when the device has reached a certain depth within the body of water. Although mention is made in the patent of avoiding contamination of the sample, the concern is of contamination by foreign matter in the body water at various depth levels. Providing a sterile chamber was not mentioned or contemplated. Where the Hunkin device is primarily an industrial sampling device for well water it is not likely that one of skill in the art would seek to modify that device to provide sterile chamber. Such a high level cleanliness would not be necessary in a commercial use such as sampling well water.

Appl. No. 10/801,180
Amendment dated September 22, 2005
Reply to Office Action dated March 31, 2005

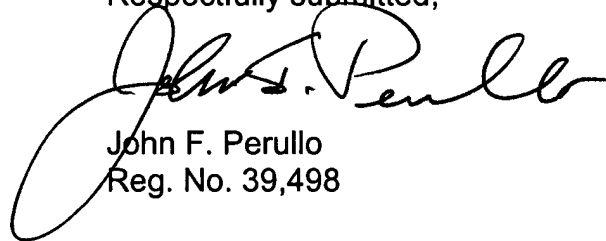
Claim 52 has been amended to more clearly recite that the sampling chamber is sterile and is in communication with a gas vent that has a filter. Hunkin does not disclose or suggest a vent with a filter.

Accordingly, because Hunkin does not disclose or suggest a sterile chamber nor a gas vent with a filter, applicant request reconsideration of the rejection. Claims 60, 63 and 66 are dependent on claim 52 and should be considered allowable without amendment based on the foregoing comments relating to claim 52.

If there are any charges or any credits, please apply them to Deposit Account No. 50-3067.

Respectfully submitted,

Date: September 22, 2005



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